

COPY

REMARKS

This is in response to the Official Action currently outstanding with regard to the above-identified application, which Official Action the Examiner has designated as being FINAL.

Claims 1-28 are pending in the above-identified application. Claims 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, and 28 were withdrawn from further prosecution in the above-identified application previously. By the foregoing Amendment, Applicants propose the amendment of Claims 1, 5, 22, 24 and 26 so as to place this application in condition for allowance, or at least in better form for Appeal, as required by 37 C.F.R. 1.116. Applicants do not propose the cancellation, the addition or the withdrawal of any additional claims. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 1-6, 8, 10, 12, 14, 16, 18, 22, 24 and 26 will constitute the claims under active prosecution in this application.

The claims of this application as they are proposed to be amended are set forth above including appropriate indications of the proposed changes and status identifiers as required by the Rules.

Applicants appreciate the Examiner's thorough examination of the subject application and respectfully request reconsideration of the subject application based on above amendments and the following remarks.

More specifically, in the currently outstanding Official Action the Examiner has:

1. Failed to re-acknowledge Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and to reconfirm the receipt by the United States Patent and Trademark Office of the required copies of the priority documents; - **These matters were acknowledged in the previous Official Action and are referred to here solely for the sake of clarity in the record..**

2. Failed to provide Applicants with any indication concerning the acceptability of the drawings as filed with this application on 1 August 2001; - **An indication concerning the acceptability of the drawings as filed with this application on 1 August 2001 in response to this communication is respectfully requested.**
3. Finally rejected claim 26 under 35 USC 102(e) as being anticipated by the Mazzagatte et al reference;
4. Finally rejected claims 1-6, 8, 10, 12, 14, 16, 18, 22 and 24 under 35 USC §103(a) as being unpatentable over the Mazzagatte et al. reference in view of the Francis et al. reference; and
5. Finally rejected claim 20 under 35 USC 103(a) as being unpatentable over the Mazzagatte reference and the Francis reference in view of Peters.

Further comment regarding items 1-2 above is not deemed to be required in these Remarks.

In the currently outstanding Official Action, the Examiner has taken the position that “(t)he unique identification in the Mazzagatte contains **both** the person’s information and identification data for the printer data” (emphasis added) on the basis that the identification information corresponds to the operation data because the identification information is linked to the print data. Further, the Examiner attempts to support this position by reference to the fact that in Mazzagatte the printer compares the identification information from the smart-card with the identification information associated with the data in the print queue, and that if the smart-card information matches that in the print queue the print job is printed. In other words, the Examiner has taken the position (without so stating specifically) that the person’s information and the identification data for the printer data can be one in the same in a manner defeating the patentability of the rejected claims.

Applicants respectfully disagree. The Mazzagatte reference discloses only the storing of identification information that identified the intended recipient of the operational information (i.e., the print out) in a smart card and associating that information with each print job to which the recipient is to have access. Accordingly, it cannot truly be said that the personal information described by Mazzagatte at Column 8, lines 19-30, uniquely identifies any particular print job. Rather, by simply identifying an intended recipient, the Mazzagatte identification information (i.e., identification information of the person who is to receive the operational (print out) information non-uniquely identifies the intended recipient of a particular print job with that recipient because any/all print jobs that are/is intended for that recipient are identified by the Mazzagatte identification information. Applicants respectfully submit that this is not what is presently being claimed in this application.

Nevertheless, Applicants by the foregoing Amendment propose that Claims 1, 5, 22, 24 and 26 be amended so as to clarify specifically within the claims that the identification data being claimed is identification data that uniquely identifies the operation data in conjunction with which it is formed. In other words, the identification data that uniquely identifies ("corresponds to") the operational data is identification data that accomplishes the function and purpose of the present invention of allowing a user to print out a specifically identifiable job even when multiple print jobs belonging to the user are queued in the printer. Support for the amendment proposed to clarify that fact may be found in the present specification at least at page 4, lines 3-13; Page 6, lines 4-23; and page 17, line 9 to page 19, line 23.

Further, Applicants respectfully call the Examiner's attention to the fact that the claims of the present application also clearly indicate that user identification data set for each user is part of the management identification data claimed in Claims 10 and 12, as distinguished from the information that "corresponds to" the operational data.

In any event, Applicants respectfully submit that neither the Mazzagatte, the Francis, nor the Peters references whether taken alone or in combination with one another, teach, disclose or suggest a device that accomplishes the functions and purposes of the present invention. In particular, Applicants respectfully submit that none of the cited and applied references teach disclose or suggest preparing identification data that uniquely identifies operation data, and transmitting such identification data to a portable data storage means. Also, Applicants respectfully submit that none of the references teach, disclose or suggest a portable data storage means that transmits identification data uniquely identifying operation data to an electronic device, or which performs processing based on the received identification data that uniquely identified the operation data.

In addition, Applicants respectfully submit that the Peters reference does not concern any sending of identification data, and that the Francis reference discloses only a password for identifying a smart-card. In the latter case, such a password does not identify any operation data or print job. Accordingly, the smart-card and password contemplated by the Francis reference are used only for providing access to a printer for its use. Thus, given the correct password, any holder of the smart-card may print out any job queued in the printer. The Francis arrangement, therefore, is clearly in contrast to that of the presently claimed invention where individual operation data can only be processed when identification data uniquely identifying a particular operation data is provided.

COPY

Finally, contrary to the Examiner's assertions in the currently outstanding Official Action, Applicants respectfully submit that the art relied upon does not teach, disclose or suggest that identification data is transmitted automatically from a portable data storage device when the portable data storage device approaches an electronic device. Instead, in both the Mazzagatte and Francis references, the potential user of the printer is required to actively associate the so-called "small card" with the CPU controlling the operation of the printer. In other words, the user has to insert his "small card" into a small card reader and survive a so-called "challenge/response" sequence prior to the input of any identification information thereon acting to cause the printing of anything. Further, Applicants respectfully submit that this is the case no matter what the proximity relation of the small card reader to the printer may be (note, nothing in the references requires that the spatial relationship between the small card reader and the printer to be a close relationship). Further, Applicants respectfully submit that the last stated conclusions are true even if the small card transmits its signals via RF instead of being plugged into the small card reader.

Therefore, Applicants respectfully submit that the claims of this application as hereinabove amended now are in condition for allowance. Consequently, entry of the foregoing Amendment and reconsideration and allowance in view of the foregoing Amendment and Remarks in response to this communication are respectfully requested

Applicants believe that an extension of time is not required since this response is being filed within the specified time period. The Applicants, however, conditionally petition for a further extension of time to provide for the possibility that such a petition has been inadvertently overlooked and is required. As provided below, charge Deposit Account **04-1105** for any required fee.

Dated: March 10, 2006

Respectfully submitted,

EDWARDS ANGELL PALMER & DODGE,
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444
534228

By David A. Tucker
David A. Tucker
Registration No.: 27,840
Attorney for Applicant
Customer No. 21,874